

**REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

**I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-21 are pending in this application. Claims 1-15 are hereby amended. Claims 16-21 are new. Support for this amendment, including new claims 16-21, is provided throughout the specification. No new matter has been introduced by this amendment. Changes to claims 1-15 are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

Applicants note that an initialed copy Form 1449, which was submitted as part of an Information Disclosure Statement filed by Applicants on December 7, 2000, was not included in the Office Action. Applicants respectfully request that an initialed copy be included in the next official communication.

The Office Action stated that the title of the invention was not descriptive. Applicants have amended the title, thereby obviating the objection.

The Abstract was objected to as not being a concise statement of the technical disclosure of the patent. Applicants have amended the Abstract, thereby obviating the

objection.

## II. 35 U.S.C. § 102(e) REJECTIONS

Claims 1-21 are pending. Claims 1, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16 and 19 are independent. Claims 1-15 were rejected under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent No. 6,226,618 B1 to Downs et al. ("Downs").

The rejection of claims 1-15 is respectfully traversed because Downs fails to teach or suggest the features of the claimed invention.

Independent claim 1 recites, *inter alia*,

"...second preparation means for preparing a second usage control status that identifies said second usage details and pricing details corresponding to said second usage details, based on said usage control policy and said price tags, when rights are purchased again through said one or more other information processing apparatuses;"

Independent claim 4 is a corresponding method claim and independent claim 5 is a corresponding computer medium claim.

As understood by Applicants, Downs relates to a method and apparatus of securely providing data to a user's system. The data is encrypted so as to only be decrypted by a data decrypting key, the data decrypting key being encrypted using a first public key, and the encrypted data being accessible to the user's system. The method comprises the steps of: transferring the encrypted data decrypting key to a clearing house that possesses a first private key, which corresponds to the first public key; decrypting the data decrypting key using the first private key; re-encrypting the data decrypting key using a second public key; transferring the re-encrypted data decrypting key to the user's system, the user's

system possessing a second private key, which corresponds to the second public key; and decrypting the re-encrypted data decrypting key using the second private key.

Applicants submit that nothing has been found in Downs that would teach or suggest a second usage control status that identifies said second usage details and pricing details corresponding to said second usage details, based on said usage control policy and said price tags, when rights are purchased again, as recited in claim 1.

Furthermore, Applicants submit that the disclosure in Downs of a retransmission feature that retransmits unusable downloaded content for refund purposes (see Downs, column 47, line 58- column 48, line 25) does not anticipate, nor render obvious, claim 1. Indeed, the retransmission feature disclosed in Downs is similar to a “return policy” and not a pricing structure that provides repeatedly acquired content to a user at a reduced price. Accordingly, Applicants submit that claim 1 is allowable.

Since claims 4 and 5 are similar in scope to claim 1, Applicants submit that claims 4 and 5 are allowable for the same reasons as claim 1.

Independent claim 6 recites, *inter alia*,

“...receiving means for receiving, from said one or more other information processing apparatuses, said encrypted information, a key needed to decrypt said encrypted information, and usage control status which identifies first usage details describing first purchase rights as well as first pricing details corresponding to said first usage details,

wherein said receiving means receives second usage details describing second purchase rights and second pricing details corresponding to said second usage details; and

execution means for executing one or more processes needed to use said encrypted information based on said first and second usage details.” (emphasis added)

Applicants respectfully submit that nothing has been found in Downs that would

teach or suggest the above-cited features. Accordingly, Applicants submit that claim 6 is allowable.

Independent claim 7 is a corresponding method claim and independent claim 8 is a corresponding computer medium claim. Since claims 7 and 8 are similar in scope to claim 6, Applicants submit that claims 7 and 8 are allowable for the same reasons as claim 6.

Independent claim 9 recites, *inter alia*,

“...sending means for sending said usage control status prepared by said preparation means as well as said encrypted information and said key stored on said storage means to said one or more other information processing apparatuses when the rights are purchased again by said one or more other information processing apparatuses.” (emphasis added)

Applicants respectfully submit that nothing has been found in Downs that would teach or suggest the above-cited features. Accordingly, Applicants submit that claim 9 is allowable.

Independent claim 10 is a corresponding method claim and independent claim 11 is a corresponding computer medium claim. Since claims 10 and 11 are similar in scope to claim 9, Applicants submit that claims 10 and 11 are allowable for the same reasons as claim 9.

Independent claim 12 recites, *inter alia*,

“...storage means for storing a usage control policy that contains second usage details that describe rights that can be purchased again based on said first usage control status and price tags that contain pricing details corresponding to said second usage details; and

first preparation means for preparing a second usage control status which identifies said second usage details and pricing details corresponding to said second usage details, based on said usage control policy and said price tags stored by said storage means.” (emphasis added)

Applicants respectfully submit that nothing has been found in Downs that would

teach or suggest the above-cited features. Accordingly, Applicants submit that claim 12 is allowable.

Independent claim 14 is a corresponding method claim and independent claim 15 is a corresponding computer medium claim. Since claims 14 and 15 are similar in scope to claim 12, Applicants submit that claims 14 and 15 are allowable for the same reasons as claim 12.

New independent claim 16 recites, *inter alia*,

“...providing a second price associated with the particular content as a function of the utilizing step;  
utilizing, at a second occurrence, at least a portion of the particular content at one or more reception locations; and  
generating billing information as a function of the first price and the second price.”

Applicants respectfully submit that nothing has been found in Downs that would teach or suggest the above-cited features. Accordingly, Applicants submit that claim 16 is allowable.

Independent claim 19 is a corresponding apparatus claim, which is similar in scope to claim 16. Therefore, Applicants submit that claim 19 is allowable.

The other claims in this application are each dependent from one or another independent claim discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

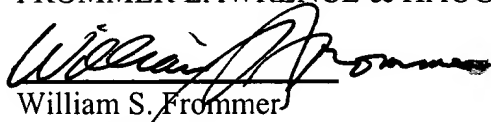
**CONCLUSION**

While Applicants note that the Office Action indicates additional art, which was not used as a basis of rejection, Applicants do not represent that they have exhaustively reviewed such additional art.

Statements appearing above in respect to the disclosures in the cited references represent the present opinions of the undersigned attorney and, in the event the Examiner disagrees with any of such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the references providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Respectfully submitted,  
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